



TAMIL NADU GOVERNMENT GAZETTE

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Part IV—Section 1

Tamil Nadu Bills

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**BILLS INTRODUCED IN THE LEGISLATIVE ASSEMBLY OF THE
STATE OF TAMIL NADU**

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 19th July, 2019 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 28 of 2019

A Bill to provide for the establishment of a Municipal Corporation for the City of Avadi.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Seventieth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Avadi City Municipal Corporation Act, 2019.

(2) It extends to the city of Avadi.

(3) It shall be deemed to have come into force on the 17th day of June 2019.

Definitions.

2. (1) In this Act, unless the context otherwise requires,—

(a) "city of Avadi" or "city" means the local area comprised in the Avadi Municipality and includes any local area which, after the date of the commencement of this Act, is included in the city but does not include any local area which, after such date of the commencement of this Act, is excluded from the city;

(b) "corporation" means the municipal corporation of Avadi constituted under section 3;

(c) "council" means the council of municipal corporation of Avadi;

(d) "Government" means the State Government;

(e) "municipal council" means the municipal council of Avadi municipality;

(f) "municipality" means the Avadi municipality;

(g) "Scheduled Castes" and "Scheduled Tribes" shall have the meanings, respectively, assigned to them in clauses (24) and (25) of Article 366 of the Constitution.

Establishment
of municipal
corporation
for the city of
Avadi.

(2) All words and expressions used in this Act and not defined but defined in the Coimbatore City Municipal Corporation Act, 1981 (hereinafter referred to as the 1981 Act), shall have the meanings, respectively, assigned to them in the 1981 Act.

Tamil Nadu Act
25 of 1981.

3. (1) With effect on and from the date of the commencement of this Act, the local area included in the Avadi municipality shall constitute the city of Avadi for the purposes of this Act and from such date of the commencement of this Act, a municipal corporation shall be deemed to have been established for the said city by the name of Avadi City Municipal Corporation:

Provided that the Government may, from time to time, after consultation with the corporation, by notification, alter the limits of the city constituted under this sub-section so as to include therein or to exclude therefrom the areas specified in the notification:

Provided further that the power to issue a notification under this sub-section shall be subject to previous publication.

(2) The corporation shall, by the said name, be a body corporate, having perpetual succession and a common seal with power to acquire, hold and dispose of property and to enter into contracts and may by its corporate name, sue and be sued.

(3) The Avadi municipality, functioning immediately before the date of the commencement of this Act, shall be deemed to have been abolished from such date of the commencement of this Act.

4. The municipal authorities charged with carrying out the provisions of this Act shall be,— Municipal authorities.

- (1) a Mayor;
- (2) a council;
- (3) a standing committee;
- (4) a wards committee; and
- (5) a commissioner.

5. (1) Save as otherwise provided in sub-section (2), the council shall consist of such number of councillors elected in the manner laid down in this Act as may be fixed by the Government, by notification, from time to time, so, however, that the total number of councillors of the council shall not exceed seventy-two at any time. Constitution of council.

(2) The following persons shall also be represented in the council, namely:—

(a) the members of the House of the People representing constituencies which comprise wholly or partly the area of the corporation and the members of the Council of States registered as electors within the area of the corporation;

(b) all the members of the Tamil Nadu Legislative Assembly representing constituencies which comprise wholly or partly the area of the corporation.

(3) The persons referred to in sub-section (2) shall be entitled to take part in the proceedings but shall not have the right to vote in the meetings of the council.

(4) Seats shall be reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes in the council and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in the council as the population of the Scheduled Castes in the city or of the Scheduled Tribes in the city bears to the total population of the city.

(5) Seats shall be reserved for women belonging to the Scheduled Castes and the Scheduled Tribes, from among the seats reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes, which shall not be less than fifty per cent of the total number of seats reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes.

(6) Seats shall be reserved for women in the council and the number of seats reserved for women shall not be less than fifty per cent including the number of seats reserved for women belonging to the Scheduled Castes and Scheduled Tribes of the total number of seats in the council.

(7) The reservation of seats under sub-sections (4) and (5) shall cease to have effect on the expiry of the period specified in Article 334 of the Constitution.

Duration of corporation.

6. (1) The corporation, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting after each ordinary election and no longer and the said period of five years shall operate as a dissolution of the corporation.

(2) An election to constitute the corporation shall be completed,—

(a) before the expiry of its duration specified in sub-section (1); or

(b) before the expiration of a period of six months from the date of its dissolution:

Provided that where the remainder of the period for which the dissolved corporation would have continued, is less than six months, it shall not be necessary to hold any election, under this sub-section for constituting the corporation for such period.

Tamil Nadu District Municipalities Act, 1920 not to apply.

Tamil Nadu Act V of 1920.

7. (1) Subject to the provisions of sub-sections (2) and (3), the Tamil Nadu District Municipalities Act, 1920 (hereinafter referred to as the "District Municipalities Act") shall, with effect on and from the date of the commencement of this Act, cease to apply to the local area comprised within the city of Avadi.

(2) Such cessor shall not affect,—

(a) the previous operation of the District Municipalities Act in respect of the local area comprised within the city of Avadi;

(b) any penalty, forfeiture or punishment incurred in respect of any offence committed against the District Municipalities Act; or

(c) any investigation, legal proceedings or remedy in respect of such penalty, forfeiture or punishment, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

(3) Notwithstanding anything contained in sub-section (1), all appointments, notifications, notices, rules, bye-laws, regulations, orders, directions, licences, permissions, schemes, forms and powers, made or issued or conferred under the District Municipalities Act and in force on the date of the commencement of this Act shall, so far as they are not inconsistent with the provisions of this Act, continue to be in force in the local area comprised within the city of Avadi until they are replaced by the appointments, notifications, notices, rules, bye-laws, regulations, orders, directions, licences, permissions, schemes, forms and powers to be made or issued or conferred under this Act.

Application of the provisions of the 1981 Act to the corporation.

8. (1) Save as otherwise expressly provided herein, all the provisions of the 1981 Act, including the provisions relating to the levy and collection of any tax or fee are hereby extended to and shall apply, *mutatis mutandis* to the corporation and the 1981 Act shall, in relation to the corporation, be read and construed as if the provisions of this Act had formed part of the 1981 Act.

(2) For the purpose of facilitating the application of the provisions of the 1981 Act to the corporation, the Government may, by notification, make such adaptations and modifications of the 1981 Act and the rules and bye-laws made thereunder, whether by way of repealing, amending or suspending any provisions thereof, as may be necessary or expedient and thereupon, the 1981 Act and the rules made thereunder, shall apply to the corporation subject to the adaptations and modifications so made.

(3) Notwithstanding that no provision or insufficient provision has been made under sub-section (2) for the adaptation of the provisions of the 1981 Act, or the rules and bye-laws made thereunder, any court, tribunal or authority required or empowered to enforce these provisions may, for the purpose of facilitating their application to the corporation, construe these provisions in such manner, without affecting the substance, as may be necessary or proper having regard to the matter before the court, tribunal or authority.

(4) In the 1981 Act as extended and applied to the city of Avadi,—

(a) any reference to the city of Coimbatore and Coimbatore municipality, shall by reason of this Act, be construed as a reference to the city of Avadi and Avadi municipality, respectively; and

(b) any reference to the Coimbatore Corporation, Corporation of Coimbatore and Municipal Corporation of Coimbatore, shall by reason of this Act, be construed as a reference to the Avadi Corporation, Corporation of Avadi and Municipal Corporation of Avadi, respectively.

9. (1) All property, all rights of whatever kind, used, enjoyed or possessed by and all interests of whatever kind owned by or vested in, or held in trust by or for the municipal council with all rights of whatever kind used, enjoyed or possessed by the said municipal council as well as all liabilities legally subsisting against the said municipal council, on and from the date of the commencement of this Act and subject to such directions as the Government may, by general or special order, give in this behalf, vest with the corporation.

Transitional provisions.

(2) All arrears of taxes or other payments by way of composition for a tax, or due for expenses or compensation, or otherwise due to the said municipal council on the date of such commencement may be recovered as if they had accrued to the corporation and may be recovered as if the said arrears or payments had become due, under the provisions of this Act.

(3) All taxes, fees and duties, which immediately before the date of the commencement of this Act were being levied by the said municipal council shall be deemed to have been levied by the corporation under the provisions of this Act and shall continue to be in force accordingly until such taxes, fees and duties are revised, cancelled or superseded by anything done or any action taken under this Act.

(4) All proceedings taken by, or against, the municipal council or authority or any person under the District Municipalities Act may be continued by, or against, the corporation, authority or person as if the said proceedings had been commenced under the provisions of this Act.

(5) Any action taken under the District Municipalities Act, by any authority before the date of such commencement shall be deemed to have been taken by the authority competent to take such action under this Act as if this Act had been in force.

(6) Notwithstanding anything contained in this Act, every officer or employee who, immediately before the date of the commencement of this Act, was in the service of the municipality shall, on and from the date of such commencement be deemed to be an officer or employee of the corporation:

Provided that,—

(a) the terms and conditions applicable to such officers and employees consequent on their absorption in the service of the corporation shall not be less favourable than those applicable to such employees immediately before the date of such commencement, as regards pay and allowances, leave, pension, gratuity, provident fund and age of superannuation; and

(b) the service rendered by any such officer or other employee under the municipality upto the date of such commencement shall be deemed to be service under the corporation and he shall be entitled to count that service for the purpose of increment, leave, pension, provident fund and gratuity:

Provided further that any officer or other employee serving in the municipality shall be given an option to be exercised within such time and in such manner as may be prescribed either to be absorbed in the service of the corporation or to be transferred to the service referred to in section 73-A of the District Municipalities Act or to be retrenched from the service of the municipality on such retrenchment benefits as may be prescribed.

(7) Any division of the Avadi municipality into wards, made under this District Municipalities Act, and in force on the date of the commencement of this Act shall be deemed to be a division of the corporation until altered.

(8) The electoral roll prepared for the Avadi municipality under the District Municipalities Act, and in force on the date of the commencement of this Act, shall be deemed to be the electoral roll for the corporation until a new electoral roll is prepared and published and the part of the said electoral roll relating to each ward of the municipality shall be deemed to be the list of the electoral roll for the corresponding division of the corporation.

**Appointment
of Special
Officer.**

10. (1) There shall be appointed by the Government, by notification, a Special Officer to exercise the powers, perform the duties and discharge the functions of—

- (a) the council,
- (b) the standing committee,
- (c) the Commissioner, and
- (d) the wards committee.

(2) The Special Officer shall exercise the powers, perform the duties and discharge the functions, —

- (a) of the corporation, until the elected councillors come into office;
- (b) of the standing committee, until a standing committee is appointed by the corporation; and
- (c) of the commissioner, until a Commissioner is appointed by the Government and such officer may, if the Government so direct, receive remuneration for his services from the municipal fund.

(3) Until a new Special Officer is appointed by the Government under sub-section (1), the Special Officer of the municipality functioning immediately before the date of the commencement of this Act shall be deemed to be the Special Officer of the corporation and he shall exercise the powers and perform the duties and discharge the functions as those exercised, performed and discharged by the Special Officer appointed under sub-section (1).

(4) The Special Officer referred to in sub-section (1) or in sub-section (3) shall hold office until the day on which the first meeting of the council is held after ordinary election to the corporation.

**Power to make
rules.**

11. (1) The Government may make rules for carrying out the purposes of this Act.

(2) (a) All rules made under this Act shall be published in the *Tamil Nadu Government Gazette* and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(b) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are so published.

(3) Every rule made or notification or order issued under this Act shall, as soon as possible, after it is made or issued, be placed on the table of the Legislative Assembly, and if, before the expiry of the session in which it is so placed or the next session, the Assembly makes any modification in any such rule or notification or order, or the Assembly decides that the rule or notification or order should not be made or issued, the rule or notification or order shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification or order.

Tamil Nadu
Ordinance 2
of 2019.

12. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by an order published in the *Tamil Nadu Government Gazette*, make such provisions not inconsistent with the provisions of this Act as appear to them to be necessary or expedient for removing the difficulty:

Power to
remove
difficulties.

Provided that no such order shall be made after the expiry of two years from the date of the commencement of this Act.

13. (1) The Avadi City Municipal Corporation Ordinance, 2019 is hereby repealed.

Repeal and
saving.

(2) Notwithstanding such repeal, anything done, any action taken or any direction given under the said Ordinance, shall be deemed to have been done, taken or given under this Act.

STATEMENT OF OBJECTS AND REASONS.

Considering the increase in population, growth in annual income and the level of the civic services to be provided towards fulfillment of the basic needs of the growing population of Avadi Special Grade Municipality and for improving the standard of living of the people in the said Municipality, the Government decided to upgrade the said Municipality into Municipal Corporation.

2. The Government, therefore, decided to undertake a legislation adapting the provisions of the Coimbatore City Municipal Corporation Act, 1981 (Tamil Nadu Act 25 of 1981), with such modifications as are necessary. Accordingly, the Governor has promulgated the Avadi City Municipal Corporation Ordinance, 2019 (Tamil Nadu Ordinance 2 of 2019) on the 9th March 2019 and the same was published in the *Tamil Nadu Government Gazette Extraordinary*, dated the 17th June 2019.

3. The Bill seeks to replace the said Ordinance.

S.P. VELUMANI,
*Minister for Municipal Administration and
Rural Development, Implementation of Special
Programme.*

MEMORANDUM REGARDING DELEGATED LEGISLATION.

Clauses 3, 5, 8, 9, 10, 11 and 12 of the Bill authorise the Government to issue notifications or orders or to make rules, as the case may be, to carry out the purposes specified therein.

2. The powers delegated are normal and not of an exceptional character.

S.P. VELUMANI,
*Minister for Municipal Administration and
Rural Development, Implementation of Special
Programme.*

K. SRINIVASAN,
Secretary.

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 19th July, 2019 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 29 of 2019

A Bill further to amend the laws relating to the Municipal Corporations and Municipalities in the State of Tamil Nadu.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Seventieth Year of the Republic of India as follows:—

PART – I.

PRELIMINARY.

- | | |
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| 1. (1) This Act may be called the Tamil Nadu Municipal Laws (Third Amendment) Act, 2019. | Short title and commencement. |
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(2) It shall be deemed to have come into force on the 22nd day of June 2019.

PART – II.

AMENDMENT TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.

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| Tamil Nadu Act IV of 1919. | 2. In section 414-B of the Chennai City Municipal Corporation Act, 1919, for the expression “upto the 30th day of June 2019”, the expression “upto the 31st day of December 2019” shall be substituted. | Amendment of section 414-B. |
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PART – III.

AMENDMENT TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

- | | | |
|---------------------------|---|-----------------------------|
| Tamil Nadu Act V of 1920. | 3. In section 375-B of the Tamil Nadu District Municipalities Act, 1920, for the expression “upto the 30th day of June 2019”, the expression “upto the 31st day of December 2019” shall be substituted. | Amendment of section 375-B. |
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PART – IV.

AMENDMENT TO THE MADURAI CITY MUNICIPAL CORPORATION ACT, 1971.

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|----------------------------|---|-------------------------------|
| Tamil Nadu Act 15 of 1971. | 4. In section 510-AAA of the Madurai City Municipal Corporation Act, 1971, for the expression “upto the 30th day of June 2019”, the expression “upto the 31st day of December 2019” shall be substituted. | Amendment of section 510-AAA. |
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PART – V.

AMENDMENT TO THE COIMBATORE CITY MUNICIPAL CORPORATION ACT, 1981.

- | | | |
|----------------------------|--|-------------------------------|
| Tamil Nadu Act 25 of 1981. | 5. In section 511-AAA of the Coimbatore City Municipal Corporation Act, 1981, for the expression “upto the 30th day of June 2019”, the expression “upto the 31st day of December 2019” shall be substituted. | Amendment of section 511-AAA. |
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PART – VI.

AMENDMENT TO THE TIRUCHIRAPPALLI CITY MUNICIPAL CORPORATION ACT,
1994.

- Amendment of section 10-A. 6. In section 10-A of the Tiruchirappalli City Municipal Corporation Act, 1994, for the expression “upto the 30th day of June 2019”, the expression “upto the 31st day of December 2019” shall be substituted. Tamil Nadu Act 27 of 1994.

PART – VII.

AMENDMENT TO THE TIRUNELVELI CITY MUNICIPAL CORPORATION ACT, 1994.

- Amendment of section 10-A. 7. In section 10-A of the Tirunelveli City Municipal Corporation Act, 1994, for the expression “upto the 30th day of June 2019”, the expression “upto the 31st day of December 2019” shall be substituted. Tamil Nadu Act 28 of 1994.

PART – VIII.

AMENDMENT TO THE SALEM CITY MUNICIPAL CORPORATION ACT, 1994.

- Amendment of section 10-A. 8. In section 10-A of the Salem City Municipal Corporation Act, 1994, for the expression “upto the 30th day of June 2019”, the expression “upto the 31st day of December 2019” shall be substituted. Tamil Nadu Act 29 of 1994.

PART – IX.

AMENDMENT TO THE TIRUPPUR CITY MUNICIPAL CORPORATION ACT, 2008.

- Amendment of section 9-A. 9. In section 9-A of the Tiruppur City Municipal Corporation Act, 2008, for the expression “upto the 30th day of June 2019”, the expression “upto the 31st day of December 2019” shall be substituted. Tamil Nadu Act 7 of 2008.

PART – X.

AMENDMENT TO THE ERODE CITY MUNICIPAL CORPORATION ACT, 2008.

- Amendment of section 9-A. 10. In section 9-A of the Erode City Municipal Corporation Act, 2008, for the expression “upto the 30th day of June 2019”, the expression “upto the 31st day of December 2019” shall be substituted. Tamil Nadu Act 8 of 2008.

PART – XI.

AMENDMENT TO THE VELLORE CITY MUNICIPAL CORPORATION ACT, 2008.

- Amendment of section 9-A. 11. In section 9-A of the Vellore City Municipal Corporation Act, 2008, for the expression “upto the 30th day of June 2019”, the expression “upto the 31st day of December 2019” shall be substituted. Tamil Nadu Act 26 of 2008.

PART – XII.

AMENDMENT TO THE THOOTHUKUDI CITY MUNICIPAL CORPORATION ACT, 2008.

- Amendment of section 9-A. 12. In section 9-A of the Thoothukudi City Municipal Corporation Act, 2008, for the expression “upto the 30th day of June 2019”, the expression “upto the 31st day of December 2019” shall be substituted. Tamil Nadu Act 27 of 2008.

PART – XIII.**AMENDMENT TO THE THANJAVUR CITY MUNICIPAL CORPORATION ACT, 2013.**

- Tamil Nadu Act 13. In section 9-A of the Thanjavur City Municipal Corporation Act, 2013, for Amendment of
24 of 2013. the expression “upto the 30th day of June 2019”, the expression “upto the 31st day section 9-A.
of December 2019” shall be substituted.

PART – XIV.**AMENDMENT TO THE DINDIGUL CITY MUNICIPAL CORPORATION ACT, 2013.**

- Tamil Nadu Act 14. In section 9-A of the Dindigul City Municipal Corporation Act, 2013, for Amendment of
25 of 2013. the expression “upto the 30th day of June 2019”, the expression “upto the 31st day section 9-A.
of December 2019” shall be substituted.

PART – XV.**AMENDMENT TO THE HOSUR CITY MUNICIPAL CORPORATION ACT, 2019.**

- Tamil Nadu Act 15. In section 10 of the Hosur City Municipal Corporation Act, 2019, in Amendment of
10 of 2019. sub-section (4), the following expression shall be added at the end, namely:— section 10.
“or upto the 31st day of December 2019, whichever is earlier.”.

PART – XVI.**AMENDMENT TO THE NAGERCOIL CITY MUNICIPAL CORPORATION ACT, 2019.**

- Tamil Nadu Act 16. In section 10 of the Nagercoil City Municipal Corporation Act, 2019, in Amendment of
11 of 2019. sub-section (4), the following expression shall be added at the end, namely:— section 10.
“or upto the 31st day of December 2019, whichever is earlier.”.

PART – XVII.**AMENDMENT TO THE AVADI CITY MUNICIPAL CORPORATION ACT, 2019.**

17. In section 10 of the Avadi City Municipal Corporation Act, 2019, in Amendment of
sub-section (4), the following expression shall be added at the end, namely:— section 10.
“or upto the 31st day of December 2019, whichever is earlier.”.

- Tamil Nadu 18. (1) The Tamil Nadu Municipal Laws (Third Amendment) Ordinance, 2019 Repeal and
Ordinance is hereby repealed. saving.
4 of 2019.

(2) Notwithstanding such repeal, anything done or any action taken under the Chennai City Municipal Corporation Act, 1919, the Tamil Nadu District Municipalities Act, 1920, the Madurai City Municipal Corporation Act, 1971, the Coimbatore City Municipal Corporation Act, 1981, the Tiruchirappalli City Municipal Corporation Act, 1994, the Tirunelveli City Municipal Corporation Act, 1994, the Salem City Municipal Corporation Act, 1994, the Tiruppur City Municipal Corporation Act, 2008, the Erode City Municipal Corporation Act, 2008, the Vellore City Municipal Corporation Act, 2008, the Thoothukudi City Municipal Corporation Act, 2008, the Thanjavur City Municipal Corporation Act, 2013, the Dindigul City Municipal Corporation Act, 2013, the Hosur City Municipal Corporation Act, 2019, the Nagercoil City Municipal Corporation Act, 2019 and the Avadi City Municipal Corporation Ordinance, 2019, as amended by the said Ordinance, shall be deemed to have been done or taken under the respective Acts and Ordinance, as amended by this Act.

Tamil Nadu Act IV of 1919.

Tamil Nadu Act V of 1920.

Tamil Nadu Act 15 of 1971.

Tamil Nadu Act 25 of 1981.

Tamil Nadu Act 27 of 1994.

Tamil Nadu Act 28 of 1994.

Tamil Nadu Act 29 of 1994.

Tamil Nadu Act 7 of 2008.

Tamil Nadu Act 8 of 2008.

Tamil Nadu Act 26 of 2008.

Tamil Nadu Act 27 of 2008.

Tamil Nadu Act 24 of 2013.

Tamil Nadu Act 25 of 2013.

Tamil Nadu Act 10 of 2019.

Tamil Nadu Act 11 of 2019.

Tamil Nadu Ordinance 2 of 2019.

STATEMENT OF OBJECTS AND REASONS.

The Tamil Nadu State Election Commission has issued notification for the purpose of filling up of ordinary vacancies in the offices of ward members / councillors of Town Panchayats, Municipalities and Municipal Corporations. The High Court of Madras in its order dated 04.10.2016 in W.P.No.33984 of 2016, while upholding the Government Orders has, among other things, directed the Government to administer the local bodies by appointment of Special Officers till the elections are held, as the terms of office of the elected representatives of local bodies are to expire soon and the same cannot be extended beyond five years. In view of the above direction of the High Court, Madras, Special Officers were appointed to the Town Panchayats, Municipalities and Municipal Corporations, from time to time, and the term of office of the said Special Officers was due to expire on the 30th June 2019.

2. Further, in Writ Appeal No.1268/2016 in W.P.No.33984/2016 filed by the Tamil Nadu State Election Commission, the High Court of Madras on 04.09.2017 has ordered that the notification announcing elections to local bodies in Tamil Nadu shall definitely be published within 18th September 2017 and election to local bodies shall be completed by 17th November 2017 and that these directions will be subject to any orders that might be passed by the Supreme Court in the appeal on 06.09.2017. In the meantime, Contempt Petition No.1697/2017 has been filed before the High Court of Madras for non-compliance of the orders passed in Writ Appeal No.1268/2016 and the same is also pending.

3. The Civil Appeal Nos.5467-5469/2017 filed against the orders in W.P.Nos.23411/2016, 23417/2016 and 23418/2016 in the Supreme Court for delimitation of territorial wards of Local Bodies and for other matters connected therewith are still pending before the Supreme Court. In pursuance of orders of Supreme Court in W.P.(C)No.769/2017, Writ Petition No.22646/2017 has been filed before the Madurai Bench of Madras High Court for conducting elections to the local bodies. Again another Writ Petition (C) No.1267/2018 has also been filed before the Supreme Court praying for conducting the Local Bodies Elections. The said Civil Appeal and Writ Petitions are also pending.

4. Taking into consideration of the pendency of Civil Appeals for delimitation of territorial wards of Local Bodies based on the population figures of 2011 census, the Government have constituted Delimitation Commission under the Tamil Nadu Delimitation Commission Act, 2017 (Tamil Nadu Act 23 of 2017) for undertaking delimitation of territorial wards of Rural and Urban Local Bodies based on the population figures of last preceding census, namely, 2011 census as required under Articles 243(f) and 243P(g) of the Constitution. Based on the recommendations of Tamil Nadu Delimitation Commission, the territorial wards of Urban Local Bodies have been notified in the *Tamil Nadu Government Gazette* and District Gazette, as the case may be, dated the 14th December 2018 and the reservation of seats for the person belonging to the Scheduled Castes, Scheduled Tribes and women in general and women belonging to the Scheduled Castes and Scheduled Tribes in Urban Local Bodies has also been notified in the *Tamil Nadu Government Gazette* and the District Gazette, dated the 20th May 2019 and 24th May 2019, respectively.

5. The Tamil Nadu State Election Commission has stated that in view of Parliamentary Elections, as the Model Code of Conduct was in force from March 2019, the Returning Officer / District Collectors have expressed their inability to take up the exercise of preparatory work for conducting the Local Bodies election simultaneously with Parliamentary Election work. The Electoral Roll prepared by the Election Commission of India on Legislative Assembly wise has to be converted into ward wise to the identified Polling Stations. The hard copy as well as the soft copies of Electoral Roll have been obtained with due approval of the Election Commission of India only recently and the work is in progress. The Election Commission of India has given their approval for the soft copies of the Electoral Roll only during April, 2019 and this Electoral Roll has to be converted into ward wise for which the National Informatics Centre (NIC) has sought for 95 days time to complete the task. Therefore, before preparing the Local Body Electoral Roll, it is not possible to announce the date of Local Body Elections.

6. In these circumstances, the term of office of the Special Officers was due to expire on 30th June 2019. The Government, therefore, decided to amend the laws relating to Town Panchayats, Municipalities and Municipal Corporations so as to enable the Government to extend the term of office of the Special Officers for a further period of six months upto the 31st December 2019 or until the first meeting of council is held after the ordinary elections to the Town Panchayats, Municipalities and Municipal Corporations, whichever is earlier. Accordingly, the Governor has promulgated the Tamil Nadu Municipal Laws (Third Amendment) Ordinance, 2019 (Tamil Nadu Ordinance 4 of 2019) on the 22nd June 2019 and the same was published in the *Tamil Nadu Government Gazette Extraordinary*, dated the 22nd June 2019.

7. The Bill seeks to replace the said Ordinance.

S.P. VELUMANI,
*Minister for Municipal Administration and
Rural Development, Implementation of
Special Programme.*

K. SRINIVASAN,
Secretary.

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 19th July, 2019 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 30 of 2019

A Bill further to amend the laws relating to the Chennai City Municipal Corporation and Municipalities in the State of Tamil Nadu.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Seventieth Year of the Republic of India as follows:—

PART-I.

PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Municipal Laws (Fourth Amendment) Act, 2019. Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

PART-II.

AMENDMENTS TO THE CHENNAI CITY MUNICIPAL CORPORATION ACT, 1919.

Tamil Nadu
Act IV of
1919. 2. In the Chennai City Municipal Corporation Act, 1919 (hereinafter in this Part referred to as the 1919 Act), in section 52, in sub-section (2), for clause (a), the following clause shall be substituted, namely:— Amendment of section 52.

“(a) of unsound mind;”.

3. In the 1919 Act, in section 53, in sub-section (1), for clause (b), the following clause shall be substituted, namely:— Amendment of section 53.

“(a) becomes of unsound mind;”.

PART – III.

AMENDMENTS TO THE TAMIL NADU DISTRICT MUNICIPALITIES ACT, 1920.

Tamil Nadu
Act V of 1920. 4. In the Tamil Nadu District Municipalities Act, 1920 (hereinafter in this Part referred to as the 1920 Act), in section 49, in sub-section (2), for clause (a), the following clause shall be substituted, namely:— Amendment of section 49.

“(a) of unsound mind;”.

5. In the 1920 Act, in section 50, in sub-section (1), for clause (b), the following clause shall be substituted, namely:— Amendment of section 50.

“(a) becomes of unsound mind;”.

STATEMENT OF OBJECTS AND REASONS.

In Tamil Nadu, three per cent of the populations are differently-abled. Among the differently-abled, there are many people with high educational qualifications and capability of communication skills. However, deaf-mute or leper category of people are disqualified to contest the elections under the Chennai City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919) and the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920) which is not justifiable. Therefore, the Government have decided to amend clause (a) of sub-section (2) of section 52 and clause (b) of sub-section (1) of section 53 of the said Tamil Nadu Act IV of 1919 and clause (a) of sub-section (2) of section 49 and clause (b) of sub-section (1) of section 50 of the said Tamil Nadu Act V of 1920 for the omission of the expression "deaf-mute or a leper".

2. The Bill seeks to give effect to the above said decision.

S.P. VELUMANI,

*Minister for Municipal Administration and
Rural Development, Implementation of
Special Programme.*

K. SRINIVASAN,

Secretary.

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 19th July, 2019 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 31 of 2019

A Bill further to amend the Tamil Nadu Panchayats Act, 1994.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Seventieth Year of the Republic of India as follows:—

- | | |
|--|-------------------------------|
| 1. (1) This Act may be called the Tamil Nadu Panchayats (Third Amendment) Act, 2019. | Short title and commencement. |
| (2) It shall be deemed to have come into force on the 22nd day of June 2019. | |
| 2. In section 261-A of the Tamil Nadu Panchayats Act, 1994, for the expression “upto the 30th day of June 2019”, the expression “upto the 31st day of December 2019” shall be substituted. | Amendment of section 261-A. |
| 3. (1) The Tamil Nadu Panchayats (Third Amendment) Ordinance, 2019 is hereby repealed. | Repeal and saving. |
| (2) Notwithstanding such repeal, anything done or any action taken under the Tamil Nadu Panchayats Act, 1994, as amended by the said Ordinance, shall be deemed to have been done or taken under the said Act, as amended by this Act. | |

Tamil Nadu
Act 21 of
1994.

Tamil Nadu
Ordinance
3 of 2019.

Tamil Nadu Act
21 of 1994.

STATEMENT OF OBJECTS AND REASONS.

The Tamil Nadu State Election Commission has issued notification for the purpose of filling up of ordinary vacancies in the offices of ward members of village panchayats, panchayat unions and district panchayats and also to the office of Presidents of village panchayats. The High Court of Madras in its order dated 04.10.2016 in W.P.No.33984 of 2016, while upholding the Government Orders has, among other things, directed the Government to administer the local bodies by appointment of Special Officers till the elections are held, as the terms of office of the elected representatives of local bodies are to expire soon and the same cannot be extended beyond five years. In view of the above direction of the High Court, Madras, Special Officers were appointed to the village panchayats, panchayat unions and district panchayats, from time to time, and the term of office of the said Special Officers was due to expire on the 30th June 2019.

2. Further, in Writ Appeal No.1268/2016 in W.P. No.33984/ 2016 filed by the Tamil Nadu State Election Commission, the High Court of Madras on 04.09.2017 has ordered that the notification announcing elections to local bodies in Tamil Nadu shall definitely be published within 18th September 2017 and election to local bodies shall be completed by 17th November 2017 and that these directions will be subject to any orders that might be passed by the Supreme Court in the appeal on 06.09.2017. In the meantime, Contempt Petition No.1697/2017 has been filed before the High Court of Madras for non-compliance of the orders passed in Writ Appeal No.1268/2016 and the same is also pending.

3. The Civil Appeal Nos.5467-5469/2017 filed against the orders in W.P.Nos.23411/2016, 23417/2016 and 23418/2016 in the Supreme Court for delimitation of territorial wards of local bodies and for other matters connected therewith are still pending before the Supreme Court. In pursuance of orders of Supreme Court in W.P.(C)No.769/2017, Writ Petition No.22646/2017 has been filed before the Madurai Bench of Madras High Court for conducting elections to the local bodies. Again another Writ Petition (C) No.1267/2018 has also been filed before the Supreme Court praying for conducting the Local Bodies Elections. The said Civil Appeal and Writ Petitions are also pending.

4. Taking into consideration of the pendency of Civil Appeals for delimitation of territorial wards of Local Bodies based on the population figures of 2011 census, the Government have constituted Delimitation Commission under the Tamil Nadu Delimitation Commission Act, 2017 (Tamil Nadu Act 23 of 2017) for undertaking delimitation of territorial wards of Rural and Urban Local Bodies based on the population figures of last preceding census, namely, 2011 census as required under Articles 243(f) and 243P(g) of the Constitution. Based on the recommendations of Tamil Nadu Delimitation Commission, the territorial wards of rural local bodies have been notified in the District Gazette, dated the 14th December 2018 and the reservation of seats for the person belonging to the Scheduled Castes, Scheduled Tribes and women in general and women belonging to the Scheduled Castes and Scheduled Tribes in Rural Local Bodies has also been notified in the *Tamil Nadu Government Gazette* and the District Gazette, dated the 20th May 2019 and the 21st May 2019, respectively.

5. The Tamil Nadu State Election Commission has stated that in view of Parliamentary Elections, as the Model Code of Conduct was in force from March, 2019, the Returning Officer / District Collectors have expressed their inability to take up the exercise of preparatory work for conducting the Local Bodies election simultaneously with Parliamentary Election work. The Electoral Roll prepared by the Election Commission of India on Legislative Assembly wise has to be converted into ward wise to the identified Polling Stations. The hard copy as well as the soft copies of Electoral Roll have been obtained with due approval of the Election Commission of India only recently and the work is in progress. The Election Commission of India has given their approval for the soft copies of the Electoral Roll only during April, 2019 and this Electoral Roll has to be converted into ward wise for which the National Informatics Centre (NIC) has sought for 95 days time to complete the task. Therefore, before preparing the Local Body Electoral Roll, it is not possible for announcing the date of Local Body Elections.

6. In these circumstances, the term of office of the Special Officers was due to expire on the 30th June 2019. The Government, therefore, decided to amend the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994) so as to enable the Government to extend the term of office of the Special Officers for a further period of six months upto the 31st December 2019 or until the first meeting of council is held after the ordinary elections to the village panchayats, panchayat unions and district panchayats, whichever is earlier. Accordingly, the Governor has promulgated the Tamil Nadu Panchayats (Third Amendment) Ordinance, 2019 (Tamil Nadu Ordinance 3 of 2019) on the 22nd June 2019 and the same was published in the *Tamil Nadu Government Gazette Extraordinary*, dated the 22nd June 2019.

7. The Bill seeks to replace the said Ordinance.

S.P. VELUMANI,

*Minister for Municipal Administration and
Rural Development, Implementation
of Special Programme.*

K. SRINIVASAN,
Secretary.

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 19th July, 2019 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 32 of 2019

A Bill to revive the operation of the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978, the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 and the Tamil Nadu Highways Act, 2001.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Tamil Nadu Land Acquisition Laws (Revival of Operation, Amendment and Validation) Act, 2019.

Short title and commencement.

(2) It shall be deemed to have come into force on the 26th day of September 2013.

PART – I.

Tamil Nadu Act
31 of 1978.

Revival of operation
of Tamil Nadu Act
31 of 1978.

2. (1) All the provisions of the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 (hereinafter referred to as the 1978 Act), except the provisions relating to the determination of compensation, shall stand revived with effect on and from the 26th day of September 2013.

(2) All rules, notifications, notices, orders, directions issued or any other proceedings initiated under the 1978 Act, except those relating to determination of compensation, which were in force immediately before the 26th day of September 2013 shall, for all purposes, be deemed to have been revived on and from the 26th day of September 2013.

(3) The provisions relating to the determination of compensation as specified in the First Schedule, rehabilitation and resettlement as specified in the Second Schedule and infrastructure amenities as specified in the Third Schedule to the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 shall apply to the land acquisition proceedings under the 1978 Act.

Central Act
30 of 2013.

Central Act
30 of 2013
not to apply.

Central Act
30 of 2013

3. Save as otherwise provided in this Act, the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 shall cease to apply to any land which is required for the purpose specified in sub-section (1) of Section 4 of the 1978 Act and any such land shall be acquired by the Government only in accordance with the provisions of the 1978 Act.

Omission of
Section 20 of
1978 Act.

4. Section 20 of the 1978 Act shall be omitted.

Validation.

5. Notwithstanding anything contained in any judgment, decree or order of any Court, the provisions of the 1978 Act, except the provisions relating to determination of compensation, shall be deemed to have been in force in all material times during the period commencing on the 26th day of September 2013 and ending with the date of publication of this Act in the *Tamil Nadu Government Gazette*, and anything done or any action taken under the 1978 Act, except those relating to determination of compensation shall be deemed to have been validly done or taken under the 1978 Act.

PART – II.

Revival of
operation of
Tamil Nadu Act
10 of 1999.

6. (1) All the provisions of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (hereinafter referred to as the 1999 Act), except the provisions relating to the determination of compensation, shall stand revived with effect on and from the 26th day of September 2013.

Tamil Nadu Act
10 of 1999.

(2) All rules, notifications, notices, orders, directions issued or any other proceedings initiated under the 1999 Act, except those relating to determination of compensation, which were in force immediately before the 26th day of September 2013 shall, for all purposes, be deemed to have been revived on and from the 26th day of September 2013.

Central Act
30 of 2013.

(3) The provisions relating to the determination of compensation as specified in the First Schedule, rehabilitation and resettlement as specified in the Second Schedule and infrastructure amenities as specified in the Third Schedule to the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 shall apply to the land acquisition proceedings under the 1999 Act.

Central Act
30 of 2013
not to apply.

7. Save as otherwise provided in this Act, the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 shall cease to apply to any land which is required for the purpose specified in sub-section (1) of Section 3 of the 1999 Act and any such land shall be acquired by the Government only in accordance with the provisions of the 1999 Act.

Central Act
30 of 2013.

Omission of
Section 21 of
1999 Act.

8. Section 21 of the 1999 Act shall be omitted.

Validation.

9. Notwithstanding anything contained in any judgment, decree or order of any Court, the provisions of the 1999 Act, except the provisions relating to determination of compensation, shall be deemed to have been in force in all material times during the period commencing on the 26th day of September 2013 and ending with the date of publication of this Act in the *Tamil Nadu Government Gazette*, and anything done or any action taken under the 1999 Act, except those relating to determination of compensation shall be deemed to have been validly done or taken under the 1999 Act.

Revival of
operation of
Tamil Nadu Act
34 of 2002.

PART – III.

10. (1) All the provisions of the Tamil Nadu Highways Act, 2001 (hereinafter referred to as the 2002 Act), except the provisions relating to the determination of compensation, shall stand revived with effect on and from the 26th day of September 2013.

Tamil Nadu Act
34 of 2002.

(2) All rules, notifications, notices, orders, directions issued or any other proceedings initiated under the 2002 Act, except those relating to determination of compensation, which were in force immediately before the 26th day of September 2013 shall, for all purposes, be deemed to have been revived on and from the 26th day of September 2013.

Central Act
30 of 2013.

(3) The provisions relating to the determination of compensation as specified in the First Schedule, rehabilitation and resettlement as specified in the Second Schedule and infrastructure amenities as specified in the Third Schedule to the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 shall apply to the land acquisition proceedings under the 2002 Act.

Central Act
30 of 2013.

11. Save as otherwise provided in this Act, the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 shall cease to apply to any land which is required for the purpose specified in sub-section (1) of section 15 of the 2002 Act and any such land shall be acquired by the Government only in accordance with the provisions of the 2002 Act.

Central Act
30 of 2013
not to apply.

12. Section 68 of the 2002 Act shall be omitted.

Omission of
section 68 of
2002 Act.

13. Notwithstanding anything contained in any judgment, decree or order of any Court, the provisions of the 2002 Act, except the provisions relating to determination of compensation, shall be deemed to have been in force in all material times during the period commencing on the 26th day of September 2013 and ending with the date of publication of this Act in the *Tamil Nadu Government Gazette*, and anything done or any action taken under the 2002 Act, except those relating to determination of compensation shall be deemed to have been validly done or taken under the 2002 Act.

Validation.

STATEMENT OF OBJECTS AND REASONS

In the Writ Petitions filed against the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Tamil Nadu Amendment) Act, 2014 (Tamil Nadu Act 1 of 2015), the Division Bench of Hon'ble High Court of Madras in its order dated 03-07-2019 has held that Article 254(1) of the Constitution, by its operation rendered the Tamil Nadu Land Acquisition Acts, namely, the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 (Tamil Nadu Act 31 of 1978), the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (Tamil Nadu Act 10 of 1999) and the Tamil Nadu Highways Act, 2001 (Tamil Nadu Act 34 of 2002) inoperative on the date on which the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) was made, namely, 27th September 2013. Consequently, the High Court has held that all the acquisitions made under the said three Tamil Nadu Acts on or after the 27th September 2013 as illegal and quashed them save those lands which have already been put to use and the purpose for which the land was acquired has been accomplished.

2. Under the aforesaid three Tamil Nadu Acts, on and from 26th September 2013, though 23804 hectares of land have been acquired, only 1,373 hectares have been actually put to use. The acquisitions proceedings are in progress in the remaining 22,431 hectares of land. This involves an approximate value of Rs.1,84,778 crores and the projects are capable of generating employment for 1.83 lakh persons. As a result, the State Exchequer would be put to heavy monetary loss besides derailing many developmental projects, causing significant negative impact on the State economy.

3. To tide over the situation, the Government have decided to revive the aforesaid three Tamil Nadu Acts and to apply the provisions relating to the determination of compensation, rehabilitation and resettlement and infrastructure amenities as in the said Central Act 30 of 2013 to the land acquisitions made under the Tamil Nadu Acts and to validate the action already taken under the said Acts. Accordingly, the Government have decided to undertake legislation for the above said purpose.

4. The Bill seeks to give effect to the above decision.

R.B. UDHAYAKUMAR
Minister for Revenue and Disaster Management.

K. SRINIVASAN,
Secretary.